

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK, WHITE PLAINS DIVISION

Case number *(if known)* _____ Chapter 11

☐ Check if this an amended filing

Official Form 201
Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

- | | | |
|--|---|--|
| 1. Debtor's name | <u>2192 Texas Parkway Partners LLC</u> | |
| 2. All other names debtor used in the last 8 years | Include any assumed names, trade names and <i>doing business as</i> names | |
| 3. Debtor's federal Employer Identification Number (EIN) | <u>84-3011346</u> | |
| 4. Debtor's address | Principal place of business

<u>2700 Central Park Ave</u>
<u>Yonkers, NY 10710-1127</u>
Number, Street, City, State & ZIP Code

<u>Westchester</u>
County | Mailing address, if different from principal place of business

<hr/> P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

<u>2192 Texas Pkwy Missouri City, TX 77489-3122</u>
Number, Street, City, State & ZIP Code |
| 5. Debtor's website (URL) | <hr/> | |
| 6. Type of debtor | <input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
<input type="checkbox"/> Partnership (excluding LLP)
<input type="checkbox"/> Other. Specify: <hr/> | |

Debtor **2192 Texas Parkway Partners LLC**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5313

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply.

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **2192 Texas Parkway Partners LLC**
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor Relationship
District When Case number, if known

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

- ☐ No

- ☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.

- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☒ \$1,000,001 - \$10 million

☐ \$500,000,001 - \$1 billion

Debtor	2192 Texas Parkway Partners LLC	Case number (if known)	
	Name		
	<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
	<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
	<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **2192 Texas Parkway Partners LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **October 4, 2021**
MM / DD / YYYY

X **/s/ FIA Capital Partners by David Goldwasser**

Signature of authorized representative of debtor

FIA Capital Partners by David Goldwasser

Printed name

Title **Manager and Restructuring Officer**

18. Signature of attorney

X **/s/ Kevin J. Nash**

Signature of attorney for debtor

Date **October 4, 2021**

MM / DD / YYYY

Kevin J. Nash

Printed name

Goldberg Weprin Finkel Goldstein LLP

Firm name

**1501 Broadway 22nd Floor
New York, NY 10036**

Number, Street, City, State & ZIP Code

Contact phone **(212) 221-5700**

Email address **knash@gwfglaw.com**

Kevin J. Nash

Bar number and State

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

2192 Texas Parkway Partners LLC,

Case No.

Debtor.
-----X

DEBTOR'S DECLARATION
PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

David Goldwasser declares the following under penalties of perjury pursuant to
28 U.S.C. § 1746:

1. My firm (FIA Capital Partners LLC) and I have been engaged by 2192 Texas Parkway Partners LLC (the "Debtor" or the "Company") to act as the Company's non-member manager and restructuring officer for purposes of pursuing the Debtor's debt restructuring efforts in connection with the commencement of this Chapter 11 case.

2. I specialize in business restructuring, bankruptcy, and litigation planning, including Chapter 11 reorganization, bankruptcy claims, tax liens, and rescue capital for distressed commercial real estate. I have over 20 years of litigation and crisis management experience and have appeared on behalf of debtors in over forty bankruptcy cases in the Southern and Eastern Districts of New York.

3. I respectfully submit this Declaration in accordance with Local Bankruptcy Rule 1007-2 in support of the Debtor's filing of a voluntary petition under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

Events Necessitating the Chapter 11 Filing

4. The Debtor is a limited liability company organized and based in New York, and maintaining offices in Yonkers, NY. The Debtor owns a commercial shopping center

containing approximately seventeen (17) retail stores in the Houston metropolitan area, located at 2192 Texas Parkway, Missouri City, Texas 77489 (the “Property”). The Property is subject to a relatively expedited foreclosure process in Texas, and a foreclosure sale is currently scheduled for tomorrow, October 5, 2021.

5. The Debtor is filing this petition on an emergency basis to preserve its rights in the Property and provide a final opportunity to attempt to restructure the underlying mortgage debt. Efforts to obtain a voluntary restructuring from Jovia Financial Federal Credit Union (the “Lender”) have been unsuccessful even though Covid-19 has not been kind to the Property either.

6. Originally, the Property housed about seventeen tenants, although approximately six (6) the stores are currently vacant. The Debtor was close to negotiating an important new lease for a fitness business to come to the Center, only to see the lease cancelled due to Covid-19.

7. Moreover, the Debtor was in negotiations with the Lender to restructure the debt based upon execution of a so-called “A and B note”, only to see a change in management at the Lender, which has negatively impacted meaningful discussions.

8. The Property was acquired in 2019, shortly before Covid-19, and requires improvements and a cash infusion. The Debtor is prepared to make such an infusion in conjunction with a meaningful workout with the Lender.

9. With new capital, the Property is capable of returning to close to full occupancy, with a corresponding increase in value. Currently, the Debtor’s monthly projected rent roll is about \$25,000 per month. This projection assumes all current tenants are paying rent, which unfortunately is not the case, as there are non-paying tenants as well as vacancies.

10. Since voluntary efforts to restructure the mortgage have been unsuccessful, the Debtor is now seeking Chapter 11 relief to preserve the *status quo*, while the myriad of issues surrounding the Property are sorted out.

Local Rule 1007-2 Disclosures

11. Pursuant to Local Rule 1007-2(a)(3), no committee of creditors was formed prior to the filing of the Petition.

12. Pursuant to Local Rule 1007-2(a)(4), a list of the Debtor's twenty largest creditors will be included as part of the Debtor's bankruptcy schedules to be filed shortly.

13. Pursuant to Local Rule 1007-2(a)(5), the Property is subject to an outstanding mortgage held by the Lender in the principal amount of \$3.689 million, plus accrued interest and fees (some of which are disputed).

14. Pursuant to Local Rule 1007-2(a)(6), the Debtor's assets and liabilities will be set forth in the bankruptcy schedules to be filed shortly but are comprised principally of the Property.

15. Pursuant to Local Rule 1007-2(a)(7), the membership interests of the Debtor will be set forth in the Statement of Equity Interests to be filed shortly.

16. Pursuant to Local Rule 1007-2(a)(8), a receiver has not been appointed with respect to the Property.

17. Pursuant to Local Rule 1007-2(a)(9), once stabilized, the Property is projected to have a value of more than \$4.0 million.

18. Pursuant to Local Rule 1007-2(a)(10), the Debtor's books and records are located at business offices in Yonkers, New York.

19. Pursuant to Local Rule 1007-2(a)(11), the Debtor is subject to the pending foreclosure proceeding instituted by the Lender based upon a notice of foreclosure sale issued by the Lender's counsel, McGuire, Craddock & Stohler P.C. pursuant to Deed of Trust.

20. Pursuant to Local Rule 1007-2(a)(12), I am the current Manager of the Debtor, and serve in this capacity without a salary.

Dated: Yonkers, New York
October 4, 2021

/s/ David Goldwasser
David Goldwasser, Manager

2192 TEXAS PARKWAY PARTNERS LLC

COMPANY RESOLUTION IN SUPPORT OF CHAPTER 11 FILING

WHEREAS, the business and legal affairs of 2192 Texas Parkway Partners LLC (the “Company”) are governed by a certain Operating Agreement dated December 9, 2019 (the “Operating Agreement”); and

WHEREAS, in accordance with the Operating Agreement, a special meeting of the Company having been called and convened on October 4, 2021, and upon motion duly made and carried, the following resolutions were adopted:

RESOLVED, that FIA Capital Partners LLC by David Goldwasser is designated as the manager and restructuring officer of the Company for purposes of filing and prosecuting the Chapter 11 filing on behalf of the Company;

RESOLVED, the Company is authorized to file a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Southern District of New York; and it is further

RESOLVED, David Goldwasser is authorized to act on behalf of the Company to (a) execute the Chapter 11 petition and all other related papers, and other documents, and cause the same to be filed with the Bankruptcy Court; (b) cause the Company to file all schedules, statements, lists, motions, applications and other papers necessary or desirable to prosecute the Chapter 11 case and achieve confirmation of a plan of reorganization; and (c) pursue a restructuring of the Company’s debts and obligations; and it is further

RESOLVED, that the Company is authorized to retain the law firm of Goldberg Weprin Finkel Goldstein LLP as counsel in the Chapter 11 case under a general retainer.

Dated: New York, New York
October 4, 2021

2192 TEXAS PARKWAY PARTNERS LLC
By: FIA Capital Partners LLC, Manager

By: /s/ David Goldwasser
David Goldwasser
Authorized Signatory

United States Bankruptcy Court
Southern District of New York, White Plains Division

IN RE:

Case No. _____

2192 Texas Parkway Partners LLC

Chapter 11

Debtor(s)

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) hereby verify(ies) that the attached matrix listing creditors is true to the best of my(our) knowledge.

Date: October 4, 2021

Signature: /s/ FIA Capital Partners by David Goldwasser

FIA Capital Partners by David Goldwasser, Manager

Debtor

Date: _____

Signature: _____

Joint Debtor, if any

Jovia Financial Federal Credit Union
c/o Susan M. Cipione, Esq.
McGuire, Craddock & Strother, P.C.
500 N. Akard Street, Suite 2200
Dallas, TX 75201

To be supplemented